IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 703 of 2005

Between:

N. Srinivasulu, S/o Pullaiah,
R/o H.No. 4012, Uyyalawada Village & Mandal, Kurnool District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Uyyalawada Mandal,, Kurnool District.
2 A.P. Pollution Control Board, rep. by its Member Secretary, Sanathnagar, Hyderabad
3 The Environmental Engineer, A.P. Pollution Control Board, Kurnool.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, preferably to the nature of Writ of mandamus, declaring the action of the 1st respondent in issuing the impugned notice in R.C.B. 206/04 , dt. 7-1-2005 directing the petitioner to remove the flour mill situated in D.No. 4-12, Uyyalawada village and Mandal, Kurnool District on the ground of pollution, even though there is no such pollution and no enquiry nor inspection is made by the 2nd and 3rd respondents, as illegal arbitrary, violative of principles of natural justice and violative of article 14, 19, 21 and 300 A of Constitution of India and consequently set aside the above stated impugned orders passed by the 1st respondent and pass such other order or orders

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent Nos. 2 and 3: Mr. S.V. Bhatt, SC FOR APSEB

The Court made the following Oral Order: (Per Sri Devinder Gupta, CJ)

We do not see any illegality in the notice sent by the 1st respondent informing the petitioner of certain violations of the conditions of the Bond alleged to have been executed by the petitioner at the time of obtaining licence. It has been pointed out in the notice that petitioner is responsible for Air Pollution in the residential area, which is creating health problems to the public. Petitioner has been informed by the Mandal Revenue Officer, Uyyalawada that Environmental Engineer of the Pollution Control Board had requested him to take action against the petitioner for causing air pollution. Thus the Mandal Revenue Officer issued the impugned notice directing the petitioner to remove the Flour Mill, otherwise, action will be taken against the petitioner in accordance with law.

Obviously, the Mandal Revenue Officer cannot proceed otherwise than in accordance with law. He will have to proceed in accordance with law, for which, there cannot be any grievance and at this stage, there is no question of petitioner running to the Court. Petitioner can really very well convince the Mandal Revenue Officer that he has not violated any of the conditions of the bond.

With such leave and liberty granted, the writ petition is dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 31st January, 2005

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M. NARAYANA REDDY,J

pnb

To

1 The Mandal Revenue Officer, Uyyalawada Mandal,, Kurnool District.
2 The Member Secretary, A.P. Pollution Control Board,

Sanathnagar, Hyderabad
3 The Environmental Engineer, A.P. Pollution Control Board, Kurnool.

4 Two C.Cs. to the Government Pleader for Revenue, High Court

Buildings, Hyderabad. (OUT)

5 Two C.D. copies